



REMARKS

Favorable consideration of this Application in light of the following discussion is respectfully requested.

Claims 1-27 are pending in the present Application. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-27 stand rejected under 35 U.S.C. § 102 as being anticipated by Sumiya (EP 0 892 554 A2).

REJECTION UNDER 35 U.S.C. § 102

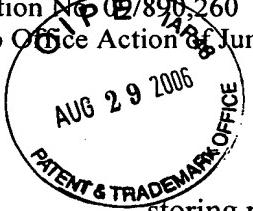
The outstanding Official Action has rejected Claims 1-27 under 35 U.S.C. § 102 as being anticipated by Sumiya. The Office Action contends that Sumiya describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

By way of background, information broadcasting systems are known in which a set top box or integrated receiver decoder selects program data of a desired broadcasting station. Typically, in such implementations, an electronic program guide is utilized for informing a viewer of programs, which are provided by a broadcasting station. However, due to the volume of information provided by the electronic program guide, navigation and selection of desired programming is burdensome.¹

In light of at least the above deficiencies in the art, the present advancements are provided. With at least the above object in mind, a brief comparison of the claimed advancements, in view of the cited reference, is believed to be in order.

Applicants' Claim 1 recites, *inter alia*, an information retrieving apparatus for retrieving contents of desired information from a plurality of contents of information provided by a pre-determined information providing means, including:

¹ Application at pages 1-3.



... storing means for storing a usage history of a recording medium used for recording said contents of information; and retrieving means for retrieving contents of information from said plurality of contents of information on the basis of said usage history so as to match a user's preference, wherein . . . (emphasis added)

Sumiya describes a program information retrieval apparatus for retrieving, from a broadcasting apparatus, broadcast data, which includes program information. The program information retrieval apparatus, or “reception apparatus,” is a TV set, which includes a broadcast reception unit (201), an extraction unit (202), a display control unit (203), a display unit (204), a program data storage unit (205), a link information control unit (206), an input unit (208), a video recording unit (209), a clock unit (211), and a control unit (212).²

The extraction unit (202) extracts data from the received broadcast data and manages the program plan information and the program detailed information included in the received broadcast data. The program detailed information and the program plan information are extracted from the program information field (302) and the program plan information field (303).³ This extracted information is stored in the program data storage unit (205).

Upon storage, the program detailed information in the program data storage unit (205), the extraction unit (202) compares the link information of the newly added program detailed information with that of existent program detailed information having been stored in the program data storage unit. If a match is not found, the extraction unit (202) corrects the new information with the existing one, as the existing one reflects a program reservation specified by the user.⁴

As illustrated in Figs. 7A and 7B of Sumiya, this correction of information includes making the program detailed information consistent with respect to programs which have yet

² Sumiya at Fig. 2; column 15, lines 40-46.

³ Sumiya at Fig. 3.

⁴ Sumiya at column 16, lines 3-11.

to be broadcast and programs which have already been broadcast, but still exist as video recorded programs.⁵

Conversely, in an exemplary embodiment of the Applicants' advancements, an information retrieving apparatus retrieves contents of desired information from a plurality of contents of information by maintaining a usage history of a recording medium used for recording the contents of information. Contents of information are retrieved from an information providing means from a plurality of contents of information on the basis of the usage history, so as to match a user's preference.

While the Official Action has cited the retrieval aspect of Applicants' claim as being disclosed at several locations in the Sumiya reference, these locations do not disclose the claimed retrieval process.⁶ More specifically, the citations to Sumiya simply describe updating link information based upon newly added information, this newly added information is not retrieved in accordance with usage history of a recording medium, but is, instead, extracted from broadcast data as a matter of course.⁷ Additionally, portions of the Sumiya reference, which describe the operation of the control unit relative to link information, is cited as describing Applicants' claimed retrieval of information based upon usage history of a recording medium. However, as this identification of similar programs by common link information is actuated by a user through a remote control, it cannot be said to disclose, or suggest, retrieving contents of information from a plurality of contents of information on the basis of usage history of a recording medium to match the user's preferences, as currently recited in Claim 1, and any claim depending therefrom.

⁵ Sumiya at column 16, lines 12-24; Fig. 7A and 7B.

⁶ See Official Action at page 3 citing column 16, lines 3-11, column 19, lines 28-40, column 21, lines 22-29, and line 56, and column 22, line 18.

⁷ Sumiya at column 16, lines 3-11.

Although Claims 2-27 are of differing statutory class and/or scope, it is respectfully submitted that the invention define by Claims 2-27 also patentably define over Sumiya for at least the same reasons as discussed above with regard to amended Claim 1. Therefore, it is respectfully submitted that the invention defined by Claims 1-27 patentably defines over the asserted prior art.

CONCLUSION

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-17, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

BDL:SAM:ycs